

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Terrence Bradshaw #320361

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

South Carolina Department
of Correction's Agency Director
Bryan P. Stirling

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

**Complaint for Violation of Civil
Rights**

(Prisoner Complaint)

Case No. _____
(to be filled in by the Clerk's Office)

Jury Trial: ☒ Yes ☐ No
(check one)

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NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

When submitted for filing, your complaint should be accompanied by the full filing fee or an application to proceed *in forma pauperis*.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

TERRENCE BRADSHAW

All other names by which you have been known:

ID Number

320361

Current Institution

Address

Goodman Institution Building
B5/27B Broad River Rd Columbia
SC, 29210;

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Bryan P. StirlingJob or Title
(if known)SCDC Agency Director

Shield Number

Employer

Address

Po Box 21787/4444 Broad
River Rd Columbia SC, 29221-1787



Individual capacity



Official capacity

Defendant No. 2

Name

Job or Title _____
(if known)
Shield Number _____
Employer _____
Address _____

☐ Individual capacity ☐ Official capacity

Defendant No. 3

Name _____
Job or Title _____
(if known)
Shield Number _____
Employer _____
Address _____

☐ Individual capacity ☐ Official capacity

Defendant No. 4

Name _____
Job or Title _____
(if known)
Shield Number _____
Employer _____
Address _____

☐ Individual capacity ☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Did Agency Director Bryan P. Stirling Violated Petitioner's Custody Stay
In South Carolina Department of Corrections, these it constitute's
A violation that Reflects Against The Petitioner's Projected max-out Date
indicating kidnapping false Imprisonment 4th Amendment
8th Amendment Cruel unusual Punishment 14th Amendment
Violation Due process of Law :

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

The petitioner Asserts That The Defendant
Deprived him certain Access to Approach Relief under Provision
of State Color of Law Demonstrating (Section) 24-13-100
(And) 24-13-150 (According too) Defendant's Response By The
ALC Court's Decision Dismissing Petitioner's Allegation see
Exhibit A from ALC/Court Docket 18-ALJ-04-0068-AP

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

☐ Pretrial detainee

☐ Civilly committed detainee

☐ Immigration detainee

- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

miss-Representation of SC Code 24-13-230 Section (B) By SCDc Agency Director Bryan P. Stirling ALSO See 24-13-230 Section (E) And) Earn work credit Policy of 21-07 Section 1.2-1.6-2.2-4.1-4.3 To excuse) Themselves SCDc use 24-13-100 And 24-13-150 Against Class (A) Felony No Parole This Decision Been excuse (And) Repeal By SC Code 44-53-375 And 375B) Been

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

This Incident took place at Kershaw Institution

South Carolina Department of Correction.

- C. What date and approximate time did the events giving rise to your claim(s) occur?

my Claim's took place and Begin Around 12/13/17 Resulting from A Classification Decision By Petitioner's Step #1 Grievance!

- D. What are the facts underlying your claim(s)? (For example: What happened to you?

Who did what? Was anyone else involved? Who else saw what happened?) The petitioner's Due Process 14th Amendment was Violated through the SCDc Agency Director Bryan P. Stirling (Along) with Cruel unusual Punishment 8th Amendment (And) 4th Amendment Illegal Stay - Illegal procedure By not Implementing or providing Petitioner with EWC's And Good Conduct Credit's which petitioner was entitled too,

SCDC Director was Acting within the Scope of his Individual and official Duty's; SCDC Indicated within The Step 1 Grievance that petitioner Earn the Amount of EWC's 1 Thousand and 68 Day's Accumulated See 24-1-20) 24-1-40) 24-1-130) 24-1-230) 24-1-260 SCDC Director violated the proper care and policies to petitioner's Constitutional Rights (According to Article 1, § 15) Along with Injuries (EWC/SCDC policy) of 21-07 Section 1.2-1.3, 1.6-2.2-4.1-4.3

V.

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

The Petitioner Requests payment under Defendant's Individual Capacity for \$1 Thousand 1,000.00 Dollars per each 3 Hundred and 65 Day Calendar year Consecutive for Kidnapping, false Imprisonment, Illegal Stay, Illegal Action's (And) In Conjunction's to Summarize Actual and Punitive Damages for in the Amount of \$2 million 7 Hundred 50 Thousand Dollars per each year Consecutive In Reference to cruel unusual Punishment 8th Amendment Pain-re-Suffering, mental emotional Stress, In Violation of Due process 14th Amendment See Brief on Rest of Petitioner's Relief

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes
☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

my Grievance Procedure Began at Kershaw Institution

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes
☐ No
☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes
☐ No
☐ Do not know

If yes, which claim(s)?

SCDC Agency Director Bryan P. Stilling fail to Administer or Imply Petitioner's EWC's and Good Conduct Credit's To Petitioner's Max-out Release Date See 24-13-230 Section E) Along with 24-3-20) 24-3-30 And) ewc Policy 0P21-07 Section 1.2-1.3-1.6-2.2-4.1-4.3

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes
☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

E. If you did file a grievance:

1. Where did you file the grievance?

My Step #1 Grievance Started at Kershaw Institution

This process Began By petitioner the Date of 12-14-17

The Petitioner Received Back the Warden's Response
The Date of 1-9-18 !

2. What did you claim in your grievance? The Petitioner Alleged Too
How many work credits Does He have Build up in the System
According to his Step #1 ~~Grievance~~ Grievance The Classification
Response Indicated that Petitioner had Accumulated the Amount
of 1 Thousand 68 Days, The petitioner EWC's) Are Still Being Gain
for Good Conduct Behavior AS of 3/13/19 !

3. What was the result, if any? The Administrative Law Court Case
Docket No 18-ALJ-04-0068 Ap Indicated to South Carolina
Department of Correction to Re-calculate the petitioner's
max-out Date, This Date was on 9/ /18 But on 1/10/19
The Administrative Law Court order Rule on ~~Behalf~~ Behalf
of SDC Quoting 24-13-100 And 24-13-2150 !

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

The petitioner file his Appeal with the Administrative

Law Court See Terrence Bradshaw ALC case file 18-ALJ-

04-0068 Ap) By way of Grievance Number KRCI 1348-17

The ALC Rule Against Petitioner's Issue See Exhibit A

Page's 1-6 !

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

N/A

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

N/A

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

Petitioner has enclosed, The ALC Judge's order By Honorable miss Deborah Brook's Durden See Exhibit (A) Page's 1-6

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☒ Yes

☐ No

If so, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

I have enclose a Copy of a Judge's order
The Petitioner's Deadline EXPIRED!

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☒ Yes

☐ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) Terrence Bradshaw #320361
 Defendant(s) Bryan P. Stirling

2. Court (if federal court, name the district; if state court, name the county and State)

District Court of South Carolina County of Columbia

3. Docket or index number

Case Number 0:18-CV-03080-DCN/Docket #19-1

4. Name of Judge assigned to your case

Honorable Paige J. Gossett

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition.

2/20/19

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*
-
-

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☐ Yes

☐ No

- D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)
- _____
- _____

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____, 20__.

Signature of Plaintiff

TERRENCE BRADSHAW

Printed Name of Plaintiff

SCDC # 320361

Prison Identification #

Terrence Bradshaw

Prison Address

Goodman Institution Building #B5/27B
4556 ~~East~~ Broad River Rd Columbia SC, 29210!

City

State

Zip Code

B. For Attorneys

Date of signing: _____, 20__.

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

Telephone Number

E-mail Address